

planning supplement to background



Ministry of
Municipal
Affairs

The Honourable Bernard Grandmaître
Minister

Glenn Thompson
Deputy Minister

G. Milt Farrow
Asst. Deputy Minister

April 14, 1986

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FOODLAND PRESERVATION POLICY STATEMENT

On February 4, a proposed new provincial policy statement on foodland preservation was released for public consultation by the Municipal Affairs Minister jointly with the Agriculture and Food Minister.

Copies of the proposed statement have been sent to all Ontario municipalities, as well as to a number of public agencies, ministries and boards, and to interested organizations and associations. All have been asked to review the proposal and to provide written comments by April 30 to the Foodland Preservation Branch of the Ministry of Agriculture and Food.

The new policy proposal is intended to replace current provincial policy contained in the 1978 Food Land Guidelines. Issued under the Planning Act, policy statements are formal expressions of the Province's interest in major land use planning matters. As such, they provide a broad provincial framework within which local municipalities can set out and implement their own planning objectives in official plans and zoning by-laws.

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Comments received through the public consultation required under the Planning Act will be carefully considered by the Province. If necessary, the policy proposal will be revised to reflect public concerns and recommendations. The policy proposal does not become effective until finally approved by the Ontario Cabinet and formally released as a provincial policy statement. When this has occurred, every municipality, every local board, every minister of the Crown and every minister, board, commission or agency of the government (including the OMB and Ontario Hydro) must have regard to the policy statement in exercising any authority affecting a planning matter.

The 1986 foodland policy proposal sets out tighter restrictions on non-agricultural development of prime agricultural land. This reflects the current priority given to strengthening the protection of Ontario's prime agricultural lands. Farmland is considered to be one of our most precious natural resources, which must be protected for future generations.

Anyone with an interest in foodland protection and community planning should review the proposed policy and submit comments by the end of April.

MORE ON THE 1986 CENSUS

1. The 1986 Census will have nine housing categories after all. In the January 13, 1986 issue of the Planning Supplement to Background an article on the 1986 census announced that, as a cost cutting measure, the number of categories of dwelling units would be reduced from nine to four. We have now learned that information will be gathered on the same nine categories as in the 1981 Census. Additional costs for collecting and processing the data will be borne by Statistics Canada, the Canada Mortgage and Housing Corporation and some provincial and municipal governments including the Province of Ontario and most Regional Municipalities in Ontario. Dissemination of the housing data will be through the Statistics Unit, Sectoral and Regional Policy Branch, Ministry of Treasury and Economics. For more information call Ed Slugocki at (416) 965-0955.

2. Revisions to CMA/CA delineation criteria

The concepts of Census Metropolitan Area/Census Agglomeration remain unchanged but the delineation criteria have been revised, as follows:

- (i) A Census Agglomeration can be one Census Subdivision rather than at least two as in the previous census.
- (ii) 50% of the employed labour force of a Census Subdivision rather than 40% must work in the urban core for a Census Subdivision to be a component of a CMA/CA.
- (iii) A component Census Subdivision must have a commuting flow of at least 100 persons.
- (iv) Adjacent Census Metropolitan Areas and Census Agglomerations are consolidated into a single CMA or CA if the total commuting interchange between the two is 35% of the labour force living in the smaller CMA or CA.
- (v) For consolidated CMAs/CAs, component primary CMAs/CAs can be broken out as sub-totals.

3. Data on united counties to be reported as one unit.

At the request of the Ministry of Municipal Affairs, data which had previously been reported separately for each geographic county in three groups of united counties will now be reported for the entire county municipalities. The affected united counties are Prescott and Russell; Stormont, Dundas and Glengarry; and Leeds and Grenville.

4. Interim Census population counts

Interim Census population counts are planned for late January 1987. Interim counts will be available at that time for Census Subdivisions and higher level aggregations, such as CMA/CA, upon request. For further information on the 1986 Census, write:

1986 Census Public Communications
Statistics Canada
200 Town Centre Court, 10th Floor
Scarborough, Ontario
M1P 4X8

PLANNING AND THE LAW

TORONTO UNINCORPORATED PROPERTY OWNERS' GROUP HAS NO LEGAL STATUS

At the outset of a municipal board hearing on a zoning and official plan matter in Toronto, the City suggested to the Board that it was without jurisdiction to hear the issue. The City pointed out that the ratepayers' group which had launched the appeal was not an incorporated organization and it was therefore not a "person known to the law". A number of legal precedents were referred to in support of the assertion.

The Board noted that where the legislature intended that an unincorporated body should have legal status, in the Athletics Control Act for example, specific reference to that intent was made. No such reference exists in the Planning Act. The Board noted that all the correspondence from the ratepayers seeking the appeals was from the local Property Owners' Association and not from the individual officers of that association. The 19 members explained at the hearing that the appeal was worded in this fashion in order to avoid 19 different applications.

On April 1, 1985, the Board reluctantly concluded it was without jurisdiction because there was no appeal since the appellant association had no status in law.

Source: Decision of the Ontario Municipal Board
Bayview Davisville to Merton Property Owners
Association

BRADFORD LOT LEVIES ELICIT CABINET GUIDELINES

The amount of the lot levy imposed by the Town of Bradford on a residential subdivision was the subject of an appeal before the municipal board.

The board referred to the principles discussed in the Wimpey case in the Region of Durham and, in its decision, it quoted with approval a summary of principles presented by an expert witness at the hearing:

1. lot levies must be relevant to the particular development in question;
2. the amounts of the levy must be reasonable and they must be equitably applied;
3. lot levies must be necessary for the purposes for which they are collected;
4. each project, and the applicability of levies to that project, must be individually considered;
5. lot levies must relate to 'hard' municipal services;
6. lot levies must relate to costs incurred as a consequence of development, not used to solve general municipal financial problems;
7. the municipality should have a formal policy with respect to lot levies.

The subdivider, Mod-Aire Homes Limited, was proposing to continue development which had started in 1972. Services had been installed for the existing development and had in many instances been oversized to provide for the additional areas. The Town had established a uniform levy of \$3,177 per lot for the entire municipality, which had been approved by the board when the levies applicable to an earlier subdivision were at issue.

The board rejected the concept of a uniform levy in the present circumstances and proceeded to analyze the costs that could reasonably be charged to the developer for each service.

For sewage treatment and water supply, the amounts totalled \$979 per lot. The board agreed to add a small amount for contingencies in case development did not occur as quickly as expected, bringing the total levies to \$1,000 per unit, which the board described in its decision of October 12, 1984, as "fair and reasonable".

The decision was appealed by the Town to the provincial cabinet. Following negotiation, agreement was reached on some items but four components of the lot levies remained at issue: charges attributable to a pumping station, trunk water mains, sanitary and storm sewers.

On December 19, 1985, the cabinet decided that the decision should be the subject of a new public hearing on the lot levies, whereas the remainder of the decision was confirmed.

The Cabinet directive included a number of guidelines, contained in a "Statement Approved by Cabinet":

- "(a) It is within the power of a municipality to establish uniform lot levies, having regard to the restraint that there must be a reasonable relationship between the proposed levies and the overall costs of the municipality attributable to growth with respect to the services covered by the levies.
- (b) There need not be a direct relationship between the additional cost incurred by the municipality and utilization of any given service that is the subject of the levy. A lot levy may be proper and reasonable when it is a combination of a uniform levy for average costed services (which may be difficult to quantify in any particular case) and any additional amounts for other services financed as directly attributable to the subdivision proposed to be charged.
- (c) The municipality shall give a credit when it is demanded to cover situations where the developer installs his own equivalent services with the approval of the municipality."

"In reviewing and hearing new evidence in this case, the Board should have regard to how the Town of Bradford was employing either an average cost lot levy or a site specific financing arrangement for the given cost items in dispute."

Sources: Decision of the Ontario Municipal Board
Mod-Aire Homes and the Town of Bradford
Files S 830052 and S 830054

Order in Council O.C. 3083/85

COMPUTER INFORMATION EXCHANGE

1. The Use of Computers by the Ajax Planning Department

Our first computer information exchange item is a description of the use of computers by the planning department of a relatively small municipality. Ajax is a community of 34,000 souls in the Region of Durham. It has a full-time planning staff of 5, plus one part-time employee.

(A) Hardware Configuration:

(i) Planning Department

- IBM XT (640K RAM)
- IBM Monochrome display
- Texas Instruments 865 Printer

(ii) Local Area Network

- Nestar 2000
- File Server 137 megs

The Planning Department's stand alone computer system is also part of a local area network. Two other similar computer systems are located in the Treasury and Building Departments. The multi-user system will eventually have communication capabilities with the Recreation Department and other computer systems.

(B) Software Configuration:

All programs are located in the File Server and, with passwords, can be accessed by any one of the work stations on the system.

The main program of the system is the Property Related Information System for Municipalities (P.R.I.S.M.). The system contains other application programs such as Lotus 1-2-3, dBase III, Wordstar, etc.

- (i) P.R.I.S.M. is a properties database program that is broken down into two interactive programs; Properties Database System and Building Permits and Inspection System. The Properties Database System is mainly used by the Planning Department.

The system has information about each property in the Town of Ajax. The property information comes from the Ministry of Revenue's Standard Assessment System (S.A.S.) and is annually updated. In

addition to the address and a legal description of each property, information is given on property characteristics, assessment, legal description, building permits, structural characteristics, tenants, departmental comments and so forth. P.R.I.S.M. is used daily for reports, mailing lists, general inquiries by the public and for special needs of the Planning Department such as commercial listing on a specified street or area.

The data query of P.R.I.S.M. is considered the strongest feature of the system. Queries can be done on any fields within a record and reports can be quickly and accurately produced. The system can also do statistical analysis of data ranges.

(ii) Application Programs

The application programs can respond to specific needs of the Planning Department as well as other departments on the network. Created files are stored at the respective work station.

Lotus 1-2-3 is used extensively for reports, population/housing projections, cost estimating, graphics, charts, etc. dBase III is a database management program used for applications that cannot be achieved with P.R.I.S.M. Wordstar/Spellstar/Mailmerge is used for word processing and mailing labels.

Conclusions

The computer facilities have been beneficial to the long term requirements of the Planning Department. The observed benefits are man-hours saved and accuracy in the collection, presentation and analysis of data.

It is important to institute and manage a method for adding and updating the data. Consequently, security has become an important criterion due to the sensitivity of the data. Finally, education and encouraging staff to use the computer facility is required to increase the comprehensive use of the computer as well as make the system cost-effective.

Contact: R.P. Eadie, Planner (416) 683-4550

2. C.P.A.B.-funded computer studies

This year the Community Planning Advisory Branch has funded a number of studies that look at the feasibility of applying computer and data processing technology to municipal planning functions. The funding covers fifty percent of the eligible study costs. Examples:

- The City of Sarnia is conducting a study to identify Planning Department activities that could be done more effectively using computer technology.
- The Regional Municipality of Durham is developing a system that will help them monitor development activity and also process land severance applications.
- The Regional Municipality of Haldimand-Norfolk is preparing a regional growth strategy. Part of this study requires the development of a computer model to project population increases related to economic growth in the Region.

3. Hamilton-Wentworth Industrial Sector Study

Report No. 1 documents the organization and contents of the Hamilton-Wentworth Industrial Information System, which is a computerized database of information on industrial properties, buildings and establishments in the region. The major applications of the system are policy analysis, support for industrial marketing, and monitoring of industrial development. It forms the basis for much of the analysis in the Industrial Sector Study, which also includes Reports 2, 3, 4 and 5.

Contact: John Barr, Head, Strategic Planning
(416) 526-4178

INFORMATION EXCHANGE

More examples of computer applications will be included in the next issue ... provided we receive information to report. This is your column, research and long-range planning departments and all planners involved in computer applications. We await your continued contributions, both on computer and general topics.

CONFERENCES

Ontario Planners' Conference 1986

DATE: OCTOBER 15 - 17, 1986
LOCATION: King Edward Hotel, Toronto
THEME: Community Planning: Barrier or Break-through?

Does the planning system and administrative structure limit planners and set barriers to effective decision making? Or does the system allow and encourage creative and innovative action? Strategic planning, financial impact assessment, economic well-being, office technology and the need to negotiate conflict, represent some of the factors that influence the practice of planning today. This year's conference focuses on creative and forward-thinking responses to these factors.

Contact: Elizabeth Lea 585-6238

NEWS FLASHES

o Ottawa-Carleton Compares Remote Sensing with Traditional Land Use Survey Techniques

Every five years, the Planning Department of the Region of Ottawa-Carleton conducts a land use survey using aerial photographs and field observation. In 1985, in addition to the standard survey, the Region also carried out a parallel survey in the rural areas, using remote sensing techniques. A consultant was hired to carry out computer analysis of satellite images. The work was supported by a community planning grant from the Ministry of Municipal Affairs amounting to \$9,900.

A comparison of the accuracy and costs of the two methods will provide useful information of general application to major land use surveys.

o What's a Lulu?

A locally unwanted land use. U.S. planning literature has adopted this handy acronym for "but not in my back-yard" types of uses. Typical Lulu's might be waste dumps, transmission towers, prisons, nuclear plants, low income housing. Or a \$200,000 house in a neighbourhood of \$500,000 mansions.

o Brockville Continues its Downtown Improvement

The City of Brockville has received an \$8,000 community planning grant toward the cost of a study of building facades in the downtown core. The city has a strong business improvement association and a history of activities and commitments to downtown improvement. The facade study will build on the Brockville Downtown Core Master Plan and will focus on 20 key buildings in the downtown area. Two or more experts in heritage/historical building rehabilitation will be hired to undertake studies of downtown buildings and advise their owners on facade and signage improvements.

o Class Environmental Assessments for Municipal Road Projects and Municipal Sewage and Water Projects

On January 24, the Minister of the Environment accepted class environmental assessments for municipal roads, sewerage, and water supply projects. If class EAs are approved by the Ontario Cabinet, no further approvals under the Environmental Assessment Act will be required.

The class assessments provide an environmental planning process whereby no individual environmental assessments will be needed for any road, sewerage or water supply project. An exception may be made for a project which the municipality considers to have sufficient environmental impact to warrant a separate assessment. Also, the Minister of the Environment can order an individual assessment for a contentious project.

A series of educational seminars is planned to assist municipal staff in applying the class EA planning process. The seminars will be offered throughout the Province and presented jointly by MOE and the Municipal Engineers Association.

For additional information, contact:

Nigel Wood - Municipal Road Projects
(416) 965-3980

Dave Smith - Municipal Sewage and Water Projects
(416) 965-4139

o Site Plan Control

Section 40 of the Planning Act on site plan control was proclaimed and came into effect on March 1. In order for a local council to now use site plan

control, the extent of the proposed site plan control area must be shown or described in an official plan.

The requirement is now part of the Planning Act as a means of ensuring that landowners and the public are provided adequate information about proposals to establish site plan control areas. This gives them an opportunity to make their views known to the local council, and to appeal contentious proposals for site plan application to the Ontario Municipal Board.

o Citizen's Guides

Included in the information package, developed by the Office of Local Planning Policy, are "Community Planning - the Simple Facts" posters and colourful display stands. Municipalities are being asked to display these in prominent locations in the clerks' offices or in the planning department (where there is one). Brochures are available to the public free of charge and in both English and French, in francophone areas of the Province.

The brochures are written in layman's terms and explain how the community planning process works. They deal specifically with:

- o The Planning Act
- o Northern Ontario Planning
- o Official Plans
- o Zoning By-laws and Minor Variances
- o Subdivisions
- o Land Severances
- o Building Permits
- o The OMB

o Devolution at a Snail's Pace

Decentralization is public policy in France. The central government's prefects have lost many of their powers over local affairs during the past ten years. But there are limits. The central government has re-asserted the exclusive right of its prefects to determine the period during which the collection of snails is prohibited. When it comes to basics, such as the preservation of the escargot, that essential element of the French culinary tradition, the central government still isn't ready to relinquish control.

Source: Urban Innovation Abroad, January 1986

- o Community Planning Grants to Thunder Bay and Victoria Harbour

Victoria Harbour has been awarded \$15,000 toward the cost of a waterfront master plan and Thunder Bay is getting \$7,500 for a study of heavy truck parking in residential areas.

- o Ottawa to develop a strategic plan for community improvements and recreation facilities

A \$58,750 community planning grant has been approved for the City of Ottawa as a 50% provincial contribution toward the cost of a strategic management plan dealing with community improvement and recreation facility management. In 1985, the City of Ottawa initiated a corporate plan with the intent of providing the city council with an overall strategy on which to make budget decisions. This study will develop strategies for the allocation of the funds of the Department of Community Development.

The department is responsible for all work related to community improvement initiatives which are area specific (improvement areas) and for all recreation facility capital projects, city wide.

PLANNING HISTORY

Concluding this brief historical sketch of the evolution of planning legislation in Ontario.

Part III: World War II and Beyond

- o In 1944, the newly elected Progressive Conservative Party enacted legislation which established the Department of Planning and Development with the express purpose of:

"... collaborating with the other Departments of the public service in Ontario, Canada, and the other provinces, with municipal councils, with agricultural, industrial, labour, mining, trade and other associations and organizations and with public and private enterprises with a view to formulating plans to

create, assist, develop and maintain productive employment and to develop the human and material resources of Ontario, and to that end shall co-ordinate the work and functions of the departments of the public service of Ontario."

One of the main tasks assigned to this new department by the government in 1944 was the drafting of a new planning act to replace the then current Planning and Development Act, 1917.

Over the next two years, six separate bills to establish Ontario's new post-WWII planning legislation were introduced and defeated in the Legislature. Two of these were introduced by the Co-operative Commonwealth Federation (CCF), forerunner of the NDP, proposing to give municipalities very broad powers to plan and regulate urban development with little provincial control.

In March of 1946, the Legislature enacted a new Planning Act, which provided the statutory basis for most of the formal land use planning carried out in Ontario until 1983. The 1946 Act provided for the defining of planning areas (expanding on the "urban zone" concept of the 1917 Act), establishment of planning boards, adoption of "official plans", and for continuation of subdivision control (to be established locally at the discretion of each municipality).

In 1983, after a lengthy Planning Act Review, a new Planning Act was enacted. Among its major changes were the abolition of non-elected planning boards, except in the north; the provision of a legislative basis for provincial policy statements; specific authorization for interim control by-laws and for holding, temporary use and bonus zoning; and the removal of the authority to appeal planning decisions to cabinet.

PEOPLE

- Malcolm Hunt has joined Proctor and Redfern's London office as Senior Planner. He came from the City of Peterborough, where he was a Planner, Urban Design. Mary Ellen Warren has re-joined P. & R.'s St. Catharines office as Senior Planner.

- Pamela Kraft has left the City of Mississauga planning department and joined the consulting firm of F.J. Reinders in Brampton. Michel Gagnon went to Mississauga from the I.B.I. Group.
- Barb Konyi, formerly a development control planner for the Town of Caledon, is now performing a similar function at the Region of Peel.
- Holly Spacek has returned to Ontario from the Nova Scotia Department of Municipal Affairs to become Director of Planning for the Township of Oro.
- Marilyn Eger is now the Manager of Resource Planning for the Credit Valley Conservation Authority. Marilyn was with the Region of Peel's planning department for nine years.
- Jim Malcolm is the new Secretary of the Ontario Municipal Board. He comes from the Ministry of Municipal Affairs' Community Planning Wing. Other departures from the Ministry include Angela Dietrich, who went to Mississauga, Susan Carruthers, who is now in Sidney Township, Shirley Bailey, who went back to Ag. and Food for a while, and Pat Hardy, back at M.N.R.
- New arrivals in the Community Planning Wing include Colin McGregor, fresh from an M.P.A. at Queen's after working in Peace River and Edmonton, Stella Gustavson, who was previously with Weston-Templeton Limited and with M.M. Dillon, Rick Schwarzer, from the Region of Peel, Brock Crizer from Upper Canada Consultants in Hamilton and Paul Baskcomb from Robert Lehman Planning Consultants.
- Roman Winnicki, Metro Toronto's Deputy Commissioner of Planning has joined CN Realty as Vice President, Development.

Peter Cheatley has moved from Scarborough to North York to become a senior planner in development control, and Michael Manett, who had previously worked for Scarborough, Etobicoke and the Ontario Land Corporation, is now a senior planner with Walker, Wright, Young.

- Nicholas Hill has moved his practice from Goderich to London.
- After serving for 5 years as Planning Director for the Town of Newmarket, Howard Friedman has formed HBR Planning Centre, with partner Brian Corbett, in Newmarket.

Correction: It was Bill Lehman who left planning for the church. Bob Lehman is still in the planning game in Barrie.

Note: The consultant responsible for the OECD case study on Sudbury reported in the last issue's lead article was Nigel Richardson.

URBABABBLE

Upscale urbanologists seeking to optimize their expertise in urbababble are invited to come onside at the Jargon Institute, which is pleased to offer its seminal course centering on strategies for meaningful communicative interfacing.

The facilitation style of the Institute is designed to replicate effective interpersonal climates and processes. Hands-on experience will permit attendees to brainstorm pro-actively and thereby impact a plurality of viable scenarios.

The bottom line of the front end costs will be exposed when sufficient datasets have been achieved to dispel current information underload.

Send your applications up, or better still, delegate a team to this unique person growth milieu:

The Jargon Institute
Shibboleth, Ontario

The next issue of the Planning Supplement to Background is scheduled to appear in mid-July. If you have information for our "People" column, please call Pierre Beeckmans at (416) 585-6257 or drop him a line at

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777 Bay Street, 13th Floor
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